



Eric Gonzalez
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ALICIA TRUJILLO
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02/12/2021

Re: The People of the State of New York against
[REDACTED]
Kings County Dkt. No. CR-[REDACTED]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: KENNY KOWLESSAR

MOS TAX: 957748

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 01/31/2018, AGAINST MOS KOWLESSAR:
ALLEGATION 1: FAIL TO SAFEGUARD DEPARTMENT EQUIPMENT - PARKING PERMIT - RESTRICTED USE
ALLEGATION 2: MISSING DEPARTMENT EQUIPMENT - PARKING PERMIT - RESTRICTED USE
CASE STATUS: CLOSED ON 03/13/2018
ACTION TAKEN: SCHEDULE A COMMAND DISCIPLINE

Disclosure # 2:

Regarding Kings County Indictment 6193/2019, on October 8, 2019, Officer Kowlessar and other officers responded when, at 5:08 pm, ShotSpotter technology indicated that one gun shot had been discharged from the ground level in front of a specified address on Clarendon Road, Brooklyn, New York. During his response, Officer Kowlessar spoke with one eye-witness and turned off his body worn camera for that conversation. Per Officer Kowlessar, during that conversation the witness stated that at approximately 5:05 pm the witness was at a location on the same block of Clarendon Road that Shotspotter provided the address for, when the witness observed a male and a female fighting on that block. The witness described the male as a black male with dreadlocks wearing black pants and a black hooded sweatshirt, and the witness stated the witness observed the male display what appeared to be a handgun, rack the handgun, and fire one shot into the air, and that the male proceeded down a driveway between two buildings on that block.

At approximately, 5:25 pm, Officer Kowlessar observed a black male with dreadlocks dressed in black pants and a white hooded sweatshirt, exit the side entrance of a building adjacent to the to the driveway the witness had indicated. Officer Kowlessar recognized the male from prior police encounters. The male was stopped and subsequently arrested after the witness identified the that male as the person the witness observed discharge the firearm.

As part of his investigation, Officer Kowlessar obtained video surveillance from a nearby store on Clarendon Road. The video depicted the defendant enter the store at 5:05:00 pm and exit the store at 5:05:34 pm, and proceed to walk down Clarendon Road in the direction of the building Officer Kowlessar observed him exiting. In the video, the defendant was dressed in black pants with a black hooded sweatshirt, matching the description given by the witness.

At 7:20 pm at the police precinct, Officer Kowlessar again interviewed the witness. In that interview, which was captured on body camera footage, the witness stated that the witness observed a male with dreadlocks wearing a black hoodie arguing with a female on the street. The witness saw the male with an object, but could not say if it was a gun. The witness made hand gestures that mimicked the racking of a firearm, but reaffirmed the witness did not know whether the object was a gun. The witness stated the witness "did not see anyone fire a gunshot or anything." The witness heard a sound that sounded like a gunshot and then looked and saw the same two individuals standing on the street and saw the male go up the street, but that the witness did not stay to see where the male went, because the witness was afraid to look and did not want to be noticed. When asked by Officer Kowlessar if the man they arrested was the "right guy," the witness stated that the male stopped by the police wearing a white hoodie, is the same male that the witness observed wearing the black hoodie earlier.

The next day, on October 9, 2019, Officer Kowlessar appeared before the Honorable Evelyn Laporte and applied for a search warrant based upon information contained in Police Officer Kowlessar's sworn affidavit. The witness was not produced before the Court. Officer Kowlessar's affidavit states "*I am further informed by [witness's name] . . . [that witness] observed that the male, later identified as [arrested male's name] displayed what appeared to be a handgun. The Suspect racked the handgun and fired one round into the air. I am further informed by [witness's name] that then [she/he] observed the Suspected [sic] proceed down the driveway located between XXXX Clarendon Road and XXXX Clarendon Road [the building the defendant was observed exiting], Subject Location 1.*" The affidavit did not reference the witness's statements made on body worn camera indicating that the witness did not know if the object was a gun, did not see anyone fire a gun, and did not see where the defendant went after the gunshot. Judge Laporte reviewed the information presented to her, and based on said information, Judge Laporte issued a search warrant authorizing the search of the subject location.

On October 9, 2019, the search warrant was executed and a loaded .380 caliber pistol and a box containing ten bullets was recovered. Subsequently, the defendant was indicted under 6192/2019 and charged with Criminal Possession of a Weapon in the Second Degree, and other related charges. The witness was uncooperative with the prosecution. DNA testing revealed that the defendant was the primary contributor to the two and three person mixtures of DNA found on all three swabs taken from the gun.

Subsequent to the search warrant and defendant's indictment, the assigned assistant district attorney obtained a copy of the body worn camera footage of the witness's interview and the People dismissed the indictment.

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 3 (PENDING):

CCRB CASE: 201908868

REPORT DATE: 10/09/2019

INCIDENT DATE: 10/08/2019

PENDING CCRB ALLEGATIONS:

1. Abuse - Entry of Premises
2. Abuse - Search of Premises

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